IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.121 OF 2006
IN
FAMILY COURT APPEAL (STAMP) NO.11197 OF 2006

Mr. Bhagwan Dongar Badgujar ... Applicant

Vs.

Smt. Ritabai Bhagwan Badgujar ... Respondent

Mrs. Madhubala Shetty for the applicant.

Ms. Sadhana Salvi for the respondent.

CORAM : SMT. RANJANA DESAI &
A.P. DESHPANDE, JJ.

DATED : 7TH AUGUST, 2006.

P.C.:-

1. There is 57 days delay in filing the present family court appeal. In this civil application, there is a prayer that the delay may be condoned.

2. We have heard the learned counsel for the applicant and the learned counsel for the respondent. The learned counsel for the applicant contended that the applicant has made out a case for condonation of delay and in the interest of justice delay may be condoned. The learned counsel for the respondent strenuously opposed the application. In the circumstances of the case, in our opinion, in the interest of justice, delay needs to be condoned after saddling the applicant with costs. Hence, the following order :

O R D E R

3. Upon the applicant paying a sum of Rs.5,000/- to the respondent within a period of two weeks from today, the delay in filing the family court appeal shall stand condoned. Payment of costs is made condition precedent to the condonation of delay.

4. Civil application is disposed of.

[SMT. RANJANA DESAI, J.]

[A.P. DESHPANDE, J.]